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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,588	11/21/2000	Steven J. Kruy	777.339US1	8806

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EXAMINER

ROBINSON, GRETA LEE

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 07/15/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/717,588

Applicant(s)

KRUY ET AL.

Examiner

Greta L. Robinson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. Claims 1-32 are pending in the present application.

### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: **element 314** see page 7 lines 4-6 "flow chart 300 includes blocks 302-314" note block 314 is not depicted in figure 3; **region 404, 404a, 404b and 404c** note page 11 lines 4-7 these elements are not shown note figure 4; **element 505d** see page 11 line 19. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the query-definition fields [see claim 21], first input region and second input region [claim 1] must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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4. The drawings are objected to because descriptive textual labels are needed for reference numbers 200 and 100 in figure 1; and element 206c in figure 2. See 35 CFR 1.84(o). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

5. The disclosure is objected to because of the following informalities: A typographical error in the disclosure on page 11 line 19 "In generally" should read "In general".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12, 17, 20 and 25-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding, the limitation "**first input region**" and "**second input region**" [see claim 1, 7 ]. The disclosure does not describe a first input region or a second input

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region. It does discuss input fields; but there is not a distinction between the fields, note page 10 lines 22-25 and page 11 lines 4-6. Note a region 404, 404a, 404b and 404c are taught; but it is not depicted in the drawings see page 11 lines 4-6. Also, the following limitation is not described in the disclosure: “**configuring** at least a portion of the second input region of the user interface based on one or more of the received query properties” [note claim 1]. The disclosure does not appear to describe how the system configures the interface including with respect to regions note page 8 lines 7-12 [see claims 1, 7, 10, 20 and 25]. Regarding claim 17, “first part of a graphical user interface” and “second part of a graphical user interface”, the drawings nor the disclosure discuss a first or second part of a graphical user interface. Also, regarding claims 31 and 32 the disclosure and drawings do not appear to teach a “table-style interface window” and “a table within a first window”.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 13, 16, 17, 18, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 13, 16, 17 and 19, the following limitation is vague: “query properties” [see claim 13 lines 3-5; claim 16 line 7; claim 17 line 7; claim 19 line 2-3]. It is unclear as to what type of information or element Applicant is referring with the term query properties.

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Regarding claim 18, the following limitation is vague: "A method comprising obtaining information regarding query definition forms for one or more search providers; defining a graphical user interface based on the obtained information regarding query definition forms for at least the one search provider". The claim does not have a clear distinction between the preamble and the body of the claim.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 13 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ferrara *The Kim Query System An iconic Interface for the Unified Access to Distributed Multimedia Databases*. (Note: Ferrara reference cited on form PTO 1449)

Regarding claim 13, Yeager et al. teaches a method of operating a system including two or more search providers and a user interface [abstract], the method comprising:

receiving information regarding one or more query properties from one or more of the search providers [figure 1]; and

communicating a query based on one or more of the received query properties to one or more of the search providers [note: figures 1-3, see pages 30-31 and 35].

11. Regarding claims 18-19:

obtaining information regarding query definition forms ... [note page 35, also note figures 1-3].

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 14-16 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeager et al. US Patent 5,950,190 in view of Ferrara *The Kim Query System An iconic Interface for the Unified Access to Distributed Multimedia Databases*.

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Regarding claim 14, Yeager et al. teaches "a method of operating a system including a user interface", the method comprising:

"receiving input through the user interface to define a query";

"parsing the query to define a parse tree"; and

"passing the parse tree at least one of the search providers" [note Yeager et al. abstract, col. 3 lines 25-35, col. 6 lines 30-35, col. 9 lines 35-50 and 54-65, col. 9 line 35 through col. 10 line 10, col. 11 lines 10-33, and col. 19 lines 28-34]. Although Yeager teaches the invention as cited above, they do not specifically depict two or more search providers. Ferrara shows this feature [note: abstract, figures 1-3 and pages 30-33]. It would have been obvious to one of ordinary skill at the time of the invention to have combined the cited references because Ferrara shows how the compatible dynamic interface of Yeager et al. would be able to distribute the data to more than one provider.

14. With respect to claim 15:

wherein passing the parse tree to at least one of the search providers comprises passing the parse tree by value to one of the search providers [Yeager et al. col. 6 lines 30-35]

15. The limitations of claims 16 and 20-24 have been addressed above except for the following: query-definition fields [note: Ferrara page 35-36; also Yeager et al. teaches a design choice is available for search fields see col. 10 lines 11-58].



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16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lawrence US Patent 6,356,286 B1

Hetherington US Patent 6,272,495 B1

D'Elena et al. US Patent 5,842,203

Hibbetts et al. US Patent 5,787,418

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (703) 308-7565. The examiner can normally be reached on Mon.-Fri. 9:30AM- 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (703) 305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-5657 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

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Greta Robinson  
Primary Examiner  
July 11, 2003



**GRETA ROBINSON**  
**PRIMARY EXAMINER**